

Environmental legislation in Spain

Concerning general aspects of Environment

- Forestry Law 43/2003.
- Law 25/1964 on Nuclear Energy.
- Legislative Decree for the Law of Land Regulation and Town Planning.
- Royal-Decree 598/1994, developing the EEC Council Regulation 880/1992 on a Community eco-label.
- Law 3/1995 on Livestock routes.
- Law 15/94 on Genetically Modified Organisms Law and Jurisdiction, in order to prevent the risks for the human health and environment.
- Organic Law 10/1995, Criminal Code.
 1. Chapter III of Title XVI concerns the Crimes against Environment and Natural Resources (articles 325 – 331).
 2. Chapter IV of Title XVI concerns the Crimes against the Flora, Wildlife and Animal Protection (articles 332 – 337).
- Law 38/1995 on the Right to Information in Environment aspects.
- Royal Decree 2200/1995 on Infrastructures for the Industry Quality and Security.
- Royal Decree 85/1996 developing EEC Council Regulation 1836/93 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme.
- Royal Decree 758/1996 on Restructuring of Spanish Ministries. On the basis of this Law, the Ministry of the Environment was created in Spain in 1996. Before this date, the Environment Department was included in the Ministry of Public Works and Transport.
- Royal Decree 1538/1996 on Specification of the Competences of the Ministry of Environment concerning Nature Conservation and National Parks.
- Royal Decree 1894/1996 on Basic Organic Structure of the Ministry of Environment.

Water

- Law of 20th February 1942, on River Fishing.
- Law 93/1962 on Sea Fishing.
- Law 10/1977 on Territorial Waters.
- Law 15/78 on Regulation of Economic Maritime Area.
- Law 23/1984 on Regulation of Sea Crops.
- Water Law 29/1985.

Remarks:

- Articles 92 - 100 incorporate to the Spanish legislation the rules included in the Directive 76/464/EEC on Water pollution by discharges of certain dangerous substances.
- Article 94 incorporates to the Spanish legislation the rules included in the Directive 80/68/EEC on the Protection of groundwater against pollution caused by certain dangerous substances.
- Royal Decree 849/1986 for the Regulation of the Hydraulic Public Domain.

Remarks:

- Articles 245 - 273 incorporate to the Spanish legislation the rules concerning emission included in Directive 76/464/EEC on Water pollution by discharges of certain dangerous substances.
- Articles 256 - 258 incorporate to the Spanish legislation the rules concerning emission included in the Directive 80/68/EEC on the Protection of groundwater against pollution caused by certain dangerous substances.
- Ministerial Regulation of 1st July of 1987, approving official methods for the physical and chemical analysis of the Potable Water of public consumption.

Remarks:

- It incorporates to the Spanish legislation the objectives included in the Directive 80/778/EEC relating to the quality of water intended for human consumption.

- Ministerial Regulation of 12th November 1987 on emission rules, quality objectives and measurement methods regarding specific noxious or dangerous substances contained in the Free Water.
 - The Regulation above was extended by the Ministerial Regulation of 13th March 1989, which incorporated to the Spanish legislation the Council Directive 88/347/EEC amending Annex II to Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC.
 - The Regulation above was modified in its Annex V, concerning hexachlorocyclohexane, by the Ministerial Regulation of 27th February 1991, which incorporates to the Spanish legislation the rules regarding emission included in Council Directive 84/491/EEC on limit values and quality objectives for discharges of hexachlorocyclohexane.
 - Rules on emission included in Council Directive 84/491/EEC, modified by the Ministerial Regulation of 25th May 1992.
Remarks:
 - It incorporates to the Spanish legislation the rules of emission included in the Council Directive 82/176/EEC and 84/156/EEC on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry and others.
 - It incorporates to the Spanish legislation the emission rules included in the Council Directive 83/513/EEC on limit values and quality objectives for cadmium discharges.
 - It incorporates to the Spanish legislation the emission rules included in the Council Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC.
- Ministerial Regulation on the measuring methods and frequency of sampling and analysis of surface water intended for drinking water.

- It incorporates to the Spanish legislation the quality objectives included in the Council Directive 79/869/EEC concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water.
- Ministerial Regulation of 11th May 1988, main quality characteristics of surface water stream intended for drinking water.
 - Modified by Ministerial Regulation of 15th October 1990 and Ministerial Regulation of 30th November 1994.
 - Remarks: it incorporates to the Spanish legislation the quality objectives included in Council Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking in the Member States.
- Royal Decree 734/88 establishing rules on bathing water quality.
 - Remarks: it incorporates to the Spanish legislation the quality objectives included in Council Directive 76/160/EEC on quality of bathing water.
- Royal Decree 927/1988 for the Regulation of the Public Administration of Water and Hydrological Planification, developing Titles II and III of the Water Law.
 - Modified by the Royal Decree 1541/94.
 - Remarks:
 - Annex I incorporates to the Spanish legislation the quality objectives included in Council Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking in the Member States.
 - Annex II incorporates to the Spanish legislation the quality objectives included in Council Directive 76/160/EEC on quality of bathing water.
 - Annex III incorporates to the Spanish legislation the quality objectives included in Council Directive 78/659/EEC on the quality of fresh water needing protection or improvement in order to support fish life.

- Annex IV incorporates to the Spanish legislation the quality objectives included in Council Directive 79/923/EEC on the quality required of shellfish waters.
- Coastline Law 22/1988.
- Ministerial Regulation of 16th December 1988 methods and frequencies of analysis and inspection of continental waters needing protection or improvement for the fish life development.
 - Remarks: it incorporates to the Spanish legislation the quality objectives included in the Council Directive 78/659/EEC on the quality of fresh waters needing protection or improvement in order to support fish life.
- Royal Decree 38/89 establishing rules on the quality of waters for the shellfish breeding.
 - Remarks: it incorporates to the Spanish legislation the quality objectives of the Council Directive 79/923/EEC on quality required on the shellfish waters.
- Ministerial Regulation of 28th July 1989 on prevention of the pollution produced by the wastes from the titanium dioxide industry.
 - Remarks: it incorporates to the Spanish legislation the Council Directives 78/176/EEC, 82/883/EEC and 83/29/EEC on waste from the titanium dioxide industry.
- Royal Decree 1138/90 approving the Medical Technical Regulation for the supply and quality control of drinking water.
 - Remarks: it incorporates to the Spanish legislation the quality objectives of the Council Directive 80/778/EEC relating to the quality of water intended for human consumption.
- Royal Decree 1315/1992 partially modifying the Regulation on Hydraulic Public Domain, developing the Preliminary Titles I, IV, V, VI and VII of the Water Law.
 - Remarks: it incorporates to the Spanish legislation the emission rules of the Council Directive 80/68/EEC on protection of

groundwater against pollution caused by certain dangerous substances.

- Law 27/1992 of State Harbours and Shipping.
- Resolution of 28th April 1995 publishing the approval of the National Plan for the Recovery and Purification of Residual Water.
- Royal Decree 484/95 on Measures for Regularization of Spillages.
- Royal Decree 11/1995 establishing the rules applicable for the urban waste water treatment.
 - Remarks: it incorporates to the Spanish legislation the rules on emission included in Council Directive 91/271/EEC on urban waste treatments.
- Royal Decree 261/1996 on water protection against pollution produced by nitrates from agricultural sources.
 - Remarks: it incorporates to the Spanish legislation the emission rules included in Council Directive 91/676/EEC, concerning the protection of waters against pollution caused by nitrates from agricultural sources.
- Ministerial Regulation of 14th March 1996 publishing the National Plan for Irrigation 2005.
- Royal Decree 509/1996 establishing the rules applying to the urban waste water.
 - Remarks: it incorporates emission rules included in the Council Directive 91/271/EEC on Urban waster water treatment.

Atmosphere

- Law 38/1972 on Atmospheric Environment Protection.
- Ministerial Regulation of 18th October 1976, on Prevention and correction of air contamination. (BOE nº 290, de 3-12-76)
- Royal Decree 284/1985, modifying specificities for the automotive petrol.
- Royal Decree 1613/1985 partially modifying the Decree 833/1975 and establishing new quality rules concerning sulphur dioxide in the atmosphere.

- Royal Decree 2616/1985 on Motor vehicles approval, concerning gaseous pollutant.
- Royal Decree 1154/1986 modifying the Royal Decree 1613/85 concerning quality rules for the atmosphere: Council declaration of polluted atmospheric areas.
- Royal Decree 2028/1986 on rules for the application of Community Directives concerning vehicle types, trailers, semi-trailers and their parts.
- Royal Decree 2482/1986 modifying the Decree 2204/1975, and fixing specificities of petrol, gas-oils and gas diesel oils according to rules of EEC.
- Royal Decree 717/1987 on air contamination with nitrogen dioxide and lead.
- Royal Decree 1485/1987, modifying the Royal Decree 2482/1986 and fixing specificities on petrol, gas-oils gas diesel oils according to rules of EEC.
- Royal Decree 472/1988 applying the Council Directive 75/324/CEE on Aerosol dispensers.
- Royal Decree 1088/1992 fixing new rules on the steam discharges of specific contaminant gases from municipal waste incineration.
- Royal Decree 321/1992 partially modifying the Royal Decree 1613/1985, and fixing new rules for the quality of the air concerning pollution of sulphur dioxide and other particles.
- Royal Decree 1494/1995 on air ozone pollution.

[Natural habitats, wild fauna and flora](#)

- Law 1/1970 of Hunting.
- Instrument of ratification, 18th March 1982, of International importance especially as waterfowl habitat.
- Instrument of ratification, 22nd January 1985, of Conservation of migratory species.
- Law 4/1989 of Conservation of countryside and wild fauna and flora.

- Royal Decree 1095/89 declaring hunting and fishing species, and establishing rules for the protection.
- Royal Decree 1118/1989, establishing marketable hunting and fishing species.
- Royal Decree 439/1990 regulating the General Catalogue of Threatened Species.
- Royal Decree 2488/1994 setting the functions of the National Commission for the Protection of Nature and appointing the specialized committees.
- Royal Decree 1997/1995 of the Countryside. It establishes measures for guaranteeing the biodiversity through the conservation of the natural habitats and wild fauna and flora.

Environmental impact

- Legislative Decree 1302/1986 on Environmental Impact Assessment.

Wastes, dangerous substances and preparations.

- Law 42/1975 on Urban solid wastes and residues.
- Law 2/1985 on Civil protection.
- Basic Law 20/1986 on Toxic and Dangerous Wastes.
- Royal Decree 886/1988 on Major incident prevention in specific industry activities.
- Royal Decree 145/1989, approving the National Regulation on Admission, Manipulation and Storage of Dangerous Goods in the Harbours.
- Royal Decree 879/1989, approving the National Regulation concerning the carriage of dangerous goods by rail.
- Royal Decree 74/1992, approving the National Regulation concerning the carriage of dangerous goods by road.

- Royal Decree 438/94, regulating the installations of the reception of oil wastes from ships, according to the International Agreement "MARPOL 73/38".
- Royal Decree 45/1996, regulating several aspects of batteries and storages containing dangerous matters.
- Royal Decree 261/1996 on water protection against pollution produced by the
- Ministerial Regulation of 28th March 1996, setting rules for the evaluation of active substances of plan protection for its inclusion in list of Annex I of the Directive 91/414 /EEC
- Royal Decree 575/1996, approving new official methods for fertilizer analysis.
- Law 11/97 of Packages and packaging wastes.

Remarks:

- It incorporates to the Spanish legislation the Council Directive 94/62/EC on packaging and packaging waste.
- Royal Decree 664/97 on Protection of workers from risks related to the exposure to biological agents at work.

Remarks: Transposition of the following Directives:

- 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work, modified by:
 - 93/88/EEC, and
 - 95/30/EC, adapting to technical progress.
- Royal Decree 665/97 on Protection of workers from the risks related to exposure to carcinogenic agents at work.
 - Remarks: It incorporates to the Spanish legislation the Council Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogenic agents at work.
- Law 10/1998 of Wastes.

